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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Abraham Chol Keech, and

Peter Biar Ajak,

Defendants.

CR-24-00394-PHX-SPL

**GOVERNMENT'S NOTICE
OF INTENT TO INTRODUCE
POSSIBLE EXPERT TESTIMONY:**

FRANK TREVINO

1 Pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure, the United
2 States hereby gives notice of its intent to present testimony that may fall under Rules 702,
3 703, or 705 of the Federal Rules of Evidence during its case-in-chief and/or in rebuttal at
4 trial. The government does not concede this witness is an expert but discloses his testimony
5 in an abundance of caution. The government reserves the right to supplement this notice.

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7 **Frank Trevino, Deputy Director of Licensing, Senior General Engineer,**
8 **Nuclear and Missile Technology Controls and Guns and Ammunition Division,**
9 **Bureau of Industry and Security, U.S. Department of Commerce**

10 Mr. Trevino is currently a Senior General Engineer for the Nuclear and Missile
11 Technology Controls and Guns and Ammunition Division at the U.S. Department of
12 Commerce's Bureau of Industry and Security ("BIS"). The Department of Commerce and
13 its subagency, BIS, advance U.S. national security, foreign policy, and economic objectives
14 by ensuring an effective export control and treaty compliance system, and by promoting
15 continued U.S. strategic technology leadership. BIS has authority under certain statutes,
16 executive orders, and implementing regulations, including the Export Control Reform Act
17 ("ECRA"), 50 U.S.C. § 4819 *et seq.*, and the Export Administration Regulations ("EAR"),
18 15 C.F.R. Parts 730-774. Commodities regulated by these statutes and regulations are listed
19 or described on the Commerce Control List ("CCL"), 15 C.F.R. Part 774. The Office of
20 Nuclear and Missile Technology Controls Division is responsible for administering U.S.
21 unilateral export controls and the Commerce Department's multilateral export control
22 responsibilities under certain international agreements. The Nuclear and Missile
23 Technology Controls Division administers the licensing of exports of firearms and
24 ammunition, in addition to administering the licensing for the export of nuclear items and
advising on exports of missile related items.

25 Mr. Trevino has over 12 years of experience working on export control issues and
26 licensing determinations. Mr. Trevino has provided technical expertise in supporting
27 license determinations and advisory opinions about classification of items regulated by the
28 Department of Commerce and has participated in over 1,000 license determinations for

1 guns and ammunition. His testimony will be based on his lengthy experience in export
2 compliance specializing in the Department of Commerce's export regulations and his
3 current role as Senior General Engineer at BIS. Further details of Mr. Trevino's
4 qualifications are contained in his CV, which is being provided to counsel via email.

5 The government intends to elicit the following opinions from Mr. Trevino based on
6 his experience as described in his CV:

7 1. **The purpose, function, and structure of the CCL:** The government
8 anticipates that Mr. Trevino will testify as to why certain articles and services are controlled
9 for export under the ECRA and placed on the CCL and how the EAR implements the
10 ECRA. Mr. Trevino will testify that the ECRA became law in 2018 to enhance U.S. export
11 and investment controls and to address concerns regarding the release of critical
12 technologies to end uses, end users, and destinations of concern.

13 The ECRA and its implementing regulations, the EAR, primarily control the export,
14 reexport, and transfer of commercial, dual-use and less sensitive military items to end uses,
15 end users, and destinations of concern. A "dual use" item is one that has civil applications
16 as well as applications related to the military, terrorism, or weapons of mass destruction.
17 The EAR supports U.S. national security and foreign policy by restricting the export of
18 items that could make a significant contribution to the military potential of other nations
19 or that could be detrimental to the foreign policy or national security of the United States.

20 In particular, the EAR impose licensing and other requirements for items subject to
21 the EAR to be exported lawfully from the United States or re-exported lawfully from one
22 foreign destination to another. The most sensitive items subject to EAR controls are
23 identified on the CCL. The CCL is divided into ten broad categories, and each category is
24 further subdivided into five product groups. For example, Category 0 references Nuclear
25 Materials Facilities & Equipment (and Miscellaneous Items) (to include firearms and
26 ammunition). Items on the CCL are categorized by Export Control Classification Number
27 ("ECCN"), each of which has export control requirements depending on destination, end
28 use, and end user. For example, 15 C.F.R. Part 742 describes various reasons for control

1 of items covered by the ECCN, to include national security, missile technology, regional
2 stability, crime control and detection, anti-terrorism, nuclear nonproliferation, and
3 encryption items. Since March 9, 2020, non-automatic and semi-automatic firearms equal
4 to .50 caliber or less are controlled under ECCN 0A501.a, and ammunition is controlled
5 under ECCN 0A505.a.

6 2. **The export controls at issue in this case:** The government anticipates that
7 Mr. Trevino will testify that during the relevant time period, based on his review of the
8 facts of this case and the items attempted for export by the defendants, the following items
9 were subject to the jurisdiction of the Department of Commerce in accordance with the
10 CCL: (1) PSL sniper rifles; (2) 7.62 x 39 mm ammunition; and (3) 7.62 x 54 mm
11 ammunition. Specifically, Mr. Trevino will testify that during the relevant time period, a
12 license from BIS was required to export PSL sniper rifles to South Sudan because they
13 were controlled under ECCN 0A501.a (Non-automatic and semi-automatic firearms equal
14 to 0.50 caliber (12.7 mm) or less), for National Security and Regional Stability reasons.
15 Mr. Trevino will further testify that a license was required to export 7.62 x 39 mm
16 ammunition and 7.62 x 54 mm ammunition to South Sudan because they were controlled
17 under ECCN 0A505.a (Ammunition for firearms controlled by ECCN 0A501 or USML
18 Category I and not enumerated in paragraphs b-d of this entry or in USML Category III),
19 for National Security, Regional Stability reasons. In addition, South Sudan was a D:5 listed
20 country, meaning that a U.N. arms embargo prohibited the export of ammunition and
21 firearms to South Sudan during the relevant time period.


22 3. **The BIS licensing process:** Mr. Trevino will testify that country-specific
23 policies for license determinations are set out by regulation or statute, as reflected in
24 Supplement No. 1 to Part 740 of the EAR. Typically, individuals and businesses must
25 submit license applications to BIS via an online platform called SNAP-R, which helps
26 streamline the application process and facilitates communication between BIS and license
27 applicants. He will further testify that some exports as described by Part 740 of the EAR
28 do not require a license to export under a license exception provision. A “license exception”

1 is an authorization that allows for export or reexport under stated conditions for items that
2 would otherwise require a license. Mr. Trevino will testify that South Sudan is listed as an
3 arms embargoed nation under D:5 of Supplement No. 1 to Part 740 (Country Groups),
4 meaning that there are no license exceptions for export of items controlled under ECCNs
5 0A501 or 0A505 to South Sudan.

6 4. **Defendants' license and registration history:** The government also
7 anticipates that Mr. Trevino will testify as a fact witness, based on his personal knowledge,
8 about the defendants Peter Biar Ajak and Abraham Chol Keech's licensing and registration
9 history (or lack thereof) with the Department of Commerce. Based on that personal
10 knowledge from a review of internal Department of Commerce systems, Mr. Trevino will
11 testify that neither defendant applied for or received a license to export any items from the
12 United States to South Sudan or any other country.

13 *****

14 Mr. Trevino's qualifications are listed on the CV incorporated in this notice and
15 provided to defendants under separate cover. Mr. Trevino has not authored any
16 publications within the last 10 years or testified as an expert at trial during the previous 4
17 years.
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21 _____
22 Frank Trevino
23 Senior General Engineer
24 Bureau of Industry and Security
25 U.S. Department of Commerce

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1 Respectfully submitted this 16th day of May, 2025.

2 TIMOTHY COURCHINE
3 United States Attorney
4 District of Arizona

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6 s/M. Bridget Minder
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LESLIE C. ESBROOK
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Trial Attorneys, National Security Division

CERTIFICATE OF SERVICE

13 I hereby certify that on May 16, 2025, I electronically transmitted the attached
14 document to the Clerk's Office using the CM/ECF System for filing a copy to the following
15 CM/ECF registrants:

16 Richard C. Bock and Dominic Rizzi, *Attorneys for Abraham Keech*
17 Kurt Altman, *Attorney for Peter Ajak*

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19 s/Alexandria Gaulin
20 U.S. Attorney's Office
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